



**Cabinet**

**Tuesday, 14 January 2025**

**Rushcliffe Design Code Supplementary Planning Document**

## **Report of the Director – Development and Economic Growth**

### **Cabinet Portfolio Holder for Planning and Housing – Councillor R Upton**

#### **1. Purpose of report**

- 1.1. The purpose of the Rushcliffe Design Code Supplementary Planning Document (SPD) is to replace the Rushcliffe Residential Design Guide SPD (2009) with a National Planning Policy Framework (NPPF) compliant authority-wide Design Code. The Design Code will provide a set of design rules against which planning proposals will be assessed in the determination of planning applications. It will also provide greater certainty for applicants with respect to what the Council expects from design quality.
- 1.2. Following earlier rounds of consultation undertaken in preparing the Design Code, approval is sought to publish it in draft for a period of public consultation. The report sets out the background to the Design Code and provides a summary of the work that has been undertaken thus far. It also provides an overview of the structure and content of the Design Code and the next steps and anticipated timetable for its adoption as an SPD.

#### **2. Recommendation**

It is RECOMMENDED that Cabinet:

- a) approves the draft Rushcliffe Design Code Supplementary Planning Document for a six-week period of public consultation; and
- b) delegates authority to the Director – Development and Economic Growth to make any necessary minor editing changes to the Supplementary Planning Document prior to consultation.

#### **3. Reasons for Recommendation**

- 3.1. To enable preparation of an NPPF-compliant authority-wide Design Code (Appendix 1) to progress further towards adoption. Its role is to provide code and guidance to support the delivery of well-designed new development.
- 3.2. If adopted, the Design Code SPD will provide design code and guidance on the application of relevant Local Plan policies, including Local Plan Part 1: Core Strategy Policy 10 (Design and Enhancing Local Identity) in particular, and

pertinent national policy and guidance within the NPPF and the government's Planning Practice Guidance.

- 3.3. The draft Design Code SPD has been subjected to a Sustainability Appraisal and Appropriate Assessment Screening Opinion. The report for this process is at Appendix 2. It concludes that the draft Design Code SPD does not require its own Strategic Environmental Assessment or an Appropriate Assessment under the Habitat Regulations Assessment.

#### **4. Supporting information**

- 4.1. The Levelling Up and Regeneration Act (LURA) 2023 requires local planning authorities to produce design codes for their area. This requirement seeks to address the concerns that new development over the past 20 years or more has not always created well-designed and sustainable places.
- 4.2. The revised National Planning Policy Framework (NPPF) was published on 12 December 2024 and retains the requirement for all local authorities to prepare design guides and codes consistent with the principles set out in the National Design Guide (NDG) and National Model Design Code (NMDC), and which reflect local character and design preferences. The NPPF sets out that design guides and codes can be prepared at an area-wide scale, as well as neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a local plan or as a supplementary planning document.
- 4.3. The importance of delivering well-designed places has been strengthened in the new NPPF by the inclusion of the need to have particular regard to key policies for securing well-designed places when applying the presumption in favour of sustainable development.
- 4.4. The revised NDG and NMDC are expected to be published in Spring 2025; however, it is not anticipated that either will conflict with the structure and content of the Rushcliffe Design Code.
- 4.5. The purpose of the Rushcliffe Design Code Supplementary Planning Document (SPD) is to replace the Rushcliffe Residential Design Guide SPD (2009) with a National Planning Policy Framework (NPPF) compliant authority-wide Design Code. This will provide a set of design rules against which planning proposals will be assessed in the determination of planning applications. It will also provide greater certainty for applicants with respect to what the Council expects from design quality.
- 4.6. SPDs build upon and provide more detailed guidance on policies in an adopted local plan. They do not form part of the development plan and cannot introduce new planning policies into the development plan. However, they form a material consideration in decision-making and carry significant weight provided they have been prepared within the statutory procedures and subject to public consultation.

- 4.7. The Council has been working with Harper Perry Architects since January 2024 on the preparation of the Design Code. This has followed the process set out in the NMDC which forms part of the government's Planning Practice Guidance.

#### Stage 1 Analysis (1A Scoping; 1B Baseline Analysis)

- 4.8. Stage 1 of the process involved scoping and baseline analysis and included consultation between 29 January and 7 March 2024. This consultation exercise gathered feedback from residents and other stakeholders on the strengths and weaknesses of different places in the Borough and informed the priorities and the overarching design vision of the Design Code. It also helped inform how the Borough could be divided into a number of Area Types (or zones) which reflected places of similar character and function. A Baseline Analysis document was prepared with worksheets for each Area Type, providing the evidence base for Stage 2.

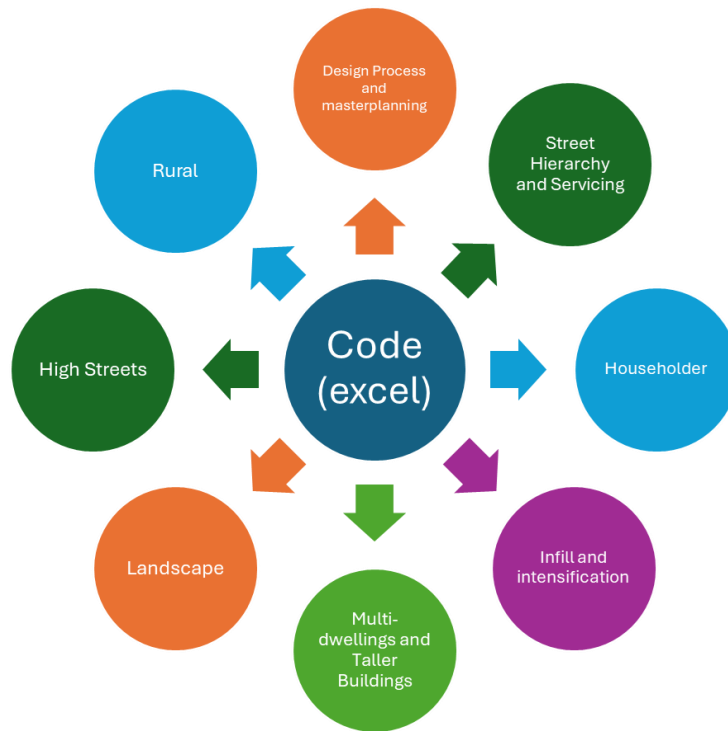
#### Stage 2: Vision (2A Design Vision; 2B Coding Plan)

- 4.9. Stage 2 involved preparation of a Design Vision and Coding Plan and included a second round of consultation between 20 May and 30 June 2024. This consultation gathered opinion on an overarching design vision for the Borough, a Coding Plan which identified seven Area Types with a design objective for each. The Council also took the work undertaken thus far to Design Review by an independent panel of experts at Design Midlands.

#### Stage 3: Code

- 4.10. Stage 3 involved preparation of code and guidance for each of the Area Types. Following the Stage 2 consultation and feedback from Design Review, it was decided to simplify the Coding Plan and propose five Area Types, as opposed to seven. During the initial drafting it was found that writing a separate code and guidance for each Area Type was resulting in a lot of repetition and was becoming overly complex, a challenge which had also been encountered by the government's Pathfinder local planning authorities, who had been tasked with piloting the NMDC. As a result, it was decided to write just one code that could be filtered by Area Type in a spreadsheet format with links to further explanatory guidance.
- 4.11. The draft Design Code is available as one PDF document (Appendix 1) and also as an interactive web-based version, which is designed to make the code easier to navigate. The basic structure of the code comprises a list of mandatory requirements, or rules, which sit in a spreadsheet that can be filtered by application type and Area Type. Each rule links to further explanatory guidance and illustrations within a suite of eight design notes. The design notes cover topics which reflect the main priorities identified during the consultation exercises. The basic structure and content of the code are illustrated in Figure 1 below.

**Figure 1: Structure of Rushcliffe Design Code**



- 4.12. The initial draft of the Design Code was subject to a number of internal consultation exercises, including road-testing on real-life planning applications and a series of workshops for officers, Councillors and the Council’s Agents’ Forum. Feedback from the above and discussions also with the Highway Authority have informed the draft Design Code (Appendix 1).

#### Timetable

- 4.13. The timetable for progressing the Design Code, subject to approval by Cabinet, is:
- Late January - statutory six-week consultation period
  - March 2025 – potential revisions to the design code following consultation
  - April/May 2025 – adoption of the Design Code SPD and post-adoption training of officers and councillors.

## **5. Alternative options considered and reasons for rejection**

The Cabinet could decide not to adopt the draft SPD. This is not recommended given that the Levelling Up and Regeneration Act (LURA) 2023 introduced legislation to require every local planning authority to produce design codes for their areas. The SPD will also better support the implementation of Local Plan policies that seek to ensure well designed new development across the Borough.

## **6. Risks and Uncertainties**

The main risk at present is that the timetable will slip if the content of the Design Code cannot be agreed upon and established. Government funding for preparation of the project has been secured for use during 2024/25.

## **7. Implications**

### **7.1. Financial Implications**

The Council made a successful bid to Government for £60,000 Planning and Skills Delivery Funding to support preparation of an authority-wide Design Code and additional costs such as training. This will supplement £50,000 that is available within existing budgets for preparation of the Design Code. Any officer time in supporting preparation of the Design Code can be accommodated within existing budgets. The Council has signed a Memorandum of Understanding and has now received funding from Ministry of Housing Communities and Local Government (MHLCG).

### **7.2. Legal Implications**

7.2.1. The Levelling Up and Regeneration Act (LURA) 2023 introduced legislation to require every local planning authority to produce design codes for their areas. The National Planning Policy Framework (NPPF), December 2024, sets out that to carry weight in decision-making they should be produced either as part of a local plan or as supplementary planning documents.

7.2.2. The 2004 Planning and Compulsory Purchase Act empowers local planning authorities to prepare local plans and supplementary planning documents (SPD). SPDs are not part of the Local Plan but are capable of being a material consideration in planning application decisions. There is a statutory requirement for public consultation to be undertaken on the draft SPD and for any representations received to be taken into account before it can be adopted by the Council.

### **7.3. Equalities Implications**

There are no direct equalities implications arising from matters covered in this report. Equalities Impact Assessments were undertaken in preparing the Local Plan and the Planning and Skills Delivery Funding bid. The SPD would not put in place new policies but would supplement relevant policies from the Local Plan.

### **7.4. Section 17 of the Crime and Disorder Act 1998 Implications**

There are no direct community safety implications arising from matters covered in this report.

## 7.5. Biodiversity Net Gain Implications

There are no direct biodiversity net gain implications associated with this report.

## 8. Link to Corporate Priorities

The Environment	The SPD helps to ensure new developments positively affect Rushcliffe's environment.
Quality of Life	The SPD helps to ensure new developments positively affect Rushcliffe's environment through the delivery of good design.
Efficient Services	The recommendations in this report do not impact on or contribute to the Council's Efficient Services priority.
Sustainable Growth	The SPD helps to ensure new developments are delivered in a way that supports the Council's design aspirations.

## 9. Recommendation

It is RECOMMENDED that Cabinet:

- a) approves the draft Rushcliffe Design Code Supplementary Planning Document for a six-week period of public consultation; and
- b) delegates authority to the Director for Development and Economic Growth to make any necessary minor editing changes to the Supplementary Planning Document prior to consultation.

<b>For more information contact:</b>	Richard Mapletoft Planning Policy Manager 0115 914 8457 <a href="mailto:rmapletoft@rushcliffe.gov.uk">rmapletoft@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Draft Rushcliffe Baseline Appraisal: <a href="https://www.rushcliffe.gov.uk/media/voolorryl/240927_baseline_rev-a.pdf?url=https%3A%2F%2Fwww.rushcliffe.gov.uk%2Fmedia%2Fwq2qhd%2Fcompressed_240520_baseline_full_lq.pdf&amp;data=05%7C02%7Ckhancock%40rushcliffe.gov.uk%7C83120e697a4344b6280908dc9f39436b%7C0fb26f95b29d4825a41a86c75ea1246a%7C0%7C0%7C638560315489164711%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&amp;sdata=8cpFsSYLEraXGS0Ljh0LPy9XvxFNTOvkRyZKn6SDt8g%3D&amp;reserved=0">https://www.rushcliffe.gov.uk/media/voolorryl/240927_baseline_rev-a.pdf?url=https%3A%2F%2Fwww.rushcliffe.gov.uk%2Fmedia%2Fwq2qhd%2Fcompressed_240520_baseline_full_lq.pdf&amp;data=05%7C02%7Ckhancock%40rushcliffe.gov.uk%7C83120e697a4344b6280908dc9f39436b%7C0fb26f95b29d4825a41a86c75ea1246a%7C0%7C0%7C638560315489164711%7CUnknown%7CTWFpbGZsb3d8eyJWljojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ik1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&amp;sdata=8cpFsSYLEraXGS0Ljh0LPy9XvxFNTOvkRyZKn6SDt8g%3D&amp;reserved=0</a>
<b>List of appendices:</b>	Appendix 1: Draft Rushcliffe Design Code Supplementary Planning Document Appendix 2: Draft Rushcliffe Design Code Supplementary Planning Document – Sustainability Appraisal and Appropriate Assessment Screening Opinion Report